

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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PHILLIP E. K. BRYANT, a/k/a Philip E. Bryant,

Plaintiff,

v.

9:14-CV-1042  
(TJM/TWD)

MR. THOMAS, et al.,

Defendants.

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Thomas J. McAvoy, S.U.S.D.J.

**DECISION & ORDER**

This prisoner civil rights action, brought pursuant to 42 U.S.C. § 1983, was referred by this Court to the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

In her Report-Recommendation, Magistrate Judge Dancks recommends that Defendant Whitmore's motion for summary judgment be granted and that Plaintiff's Second Amended Complaint be dismissed in its entirety with prejudice. No objections to the Report-Recommendation were filed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

This Court therefore ADOPTS the Report-Recommendation, dkt. # 60, for the reasons stated therein, and it is ORDERED that:

1. Defendant Whitmore's motion for summary judgment, dkt. # 54, is hereby

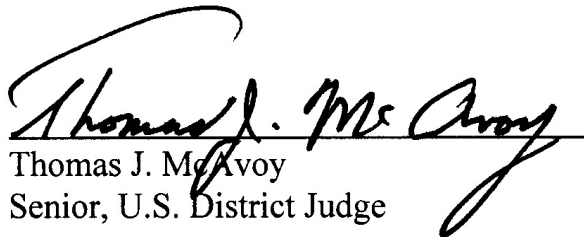
**GRANTED**; and

2. Plaintiff's Second Amended Complaint is DISMISSED IN ITS ENTIRETY, WITH

PREJUDICE.

**IT IS SO ORDERED.**

Dated: December 9, 2016

  
Thomas J. McAvoy  
Senior, U.S. District Judge